

1 JEFFREY B. COOPERSMITH (SBN 252819)  
2 AMY WALSH (Admitted Pro Hac Vice)  
3 STEPHEN A. CAZARES (SBN 201864)  
4 ORRICK, HERRINGTON & SUTCLIFFE LLP  
5 The Orrick Building  
6 405 Howard Street  
7 San Francisco, CA 94105-2669  
8 Telephone: (415) 773-5700  
9 Facsimile: (415) 773-5759  
10 Email: jcoopersmith@orrick.com; awalsh@orrick.com;  
11 scazares@orrick.com  
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13 Attorneys for Defendant  
14 RAMESH "SUNNY" BALWANI  
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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION  
19

20 UNITED STATES OF AMERICA,  
21  
22 Plaintiff,  
23  
24 v.  
25  
26 RAMESH "SUNNY" BALWANI,  
27  
28 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.  
COOPERSMITH RE: MR. BALWANI'S  
REPLIES IN SUPPORT OF HIS  
MOTIONS IN LIMINE**

Judge: Honorable Edward J. Davila

**DECLARATION OF JEFFREY B. COOPERSMITH**

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani in this case, an attorney admitted to practice in the State of California, and a partner at the law firm of Orrick, Herrington & Sutcliffe LLP. I submit this declaration in support of Mr. Balwani’s replies supporting his motions in limine. Attached to this declaration are exhibits cited in those responses. The exhibits are numbered consecutively from the exhibits supporting Mr. Balwani’s motions in limine (Dkt. 1156-1) and those supporting his responses to the government’s motions in limine (Dkt. 1179-1), and thus begin with Exhibit 51.

2. Exhibit 51 is copy of transcript excerpts from the trial of Mr. Balwani’s co-defendant Elizabeth Holmes, redacted under the Court’s protective order to conceal patient names.

3. Exhibit 52 is a copy of excerpts of the March 6, 2020 expert report of Dr. Stephen Master, redacted under the Court’s protective order to conceal patient names.

4. Exhibit 53 is a copy of excerpts from the January 25, 2016 CMS cover letter and Form 2567 Survey Findings, Bates-stamped TS-0917883.

5. Exhibit 54 is a copy of transcript excerpts from the January 29, 2020 deposition of Sarah Bennett, Bates-stamped SEC-DEPO-001266.

6. Exhibit 55 is a copy of a May 23, 2018 email from Mike Romeo to employees of Theranos and its counsel, Bates-stamped WH000002070.

7. Exhibit 56 is a copy of excerpts of an October 29, 2020 letter from Assistant United States Attorney Robert Leach to counsel for the defense.

8. Exhibit 57 is a chart reflecting portions of Dr. Kingshuk Das’ testimony in the Holmes trial that Mr. Balwani believes constitute impermissible expert opinion.

9. Exhibit 58 is a copy of Holmes Trial Exhibit 5704, a September 8, 2015 email from Elizabeth Holmes to Rupert Murdoch.

10. Exhibit 59 is a copy of Holmes Trial Exhibit 1106, a September 8, 2013 article in the *Wall Street Journal* by Joseph Rago.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed December 13, 2021 at San Jose, California.

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5 JEFFREY B. COOPERSMITH  
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